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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,269	03/23/2001	Daniel Sechrist	41556/03966 (RSI1P012)	7593
22428	7590	09/01/2004	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			ZEENDER, FLORIAN M	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/816,269

Applicant(s)

SECHRIST ET AL.

Examiner

F. Ryan Zeender

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-8,10-14 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-14 and 16-21 is/are rejected.
- 7) ☒ Claim(s) 1,2,4-6 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>062404</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

Claims 1-2, 4-6, and 19 are objected to because of the following informalities: In claim 1, paragraph (e), the terminology, "for reporting using supply chain computer" is grammatically incorrect; and it appears the language should be changed to --for reporting using a supply chain computer--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-8, 10-14, and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit et al.

Shavit et al. disclose or inherently teach all of the limitations of the claims (see for example: Col. 9, lines 43-68; Col. 11, lines 23-35; Col. 28, lines 40-50; and Col. 33, lines 50-65) **including parsed data (See for example: Col. 31, lines 1-31)**; but the reference lacks the specific teaching of formatting the processed data (i.e., reports) based on the identification of the user being a store, distributor, or supplier; where the format includes a first format for a store, a second format for a distributor, and a third format for a supplier.

It would have been an obvious design choice at the time of the invention to modify Shavit et al. to have the processed data formatted based on the identification of

the user being at least a store, distributor, or supplier; as it is well known in the art of reports to customize information in order for the intended recipient to receive data that is most pertinent to his/her/their business. For example, a store's reports may include data relevant to all inventory; while a distributor's reports may only include data relevant to inventory that was delivered by that distributor; and further a supplier's reports may only include data relevant to inventory that was produced by that supplier.

Re claim 3: It would have been an obvious design choice at the time of the invention to modify Shavit et al. to have the format of data utilize a coding scheme unique to the user, for example the user I.D., or user's name, in order to ensure that the data is only accessed by selected entities. (See, for example, Shavit et al., Col. 11, lines 44-47).

### ***Response to Arguments***

Applicant's arguments filed 6/8/2004 have been fully considered but they are not persuasive.

The 4<sup>th</sup> paragraph of the "REMARKS" states that the Shavit et al. do not teach formatting the processed data for reporting wherein the format automatically utilizes a coding scheme unique to the user. However, Shavit et al. do teach this limitation for specifically a distributor (**see for example Col. 31, lines 1-31**; see also Col. 28, lines 40-50 and Col. 16, lines 26-30 and Col. 14, lines 22-27 for additional reporting; Col. 22, lines 26-48 and Col. 15, lines 10-11 for additional formatting).

The applicant then contests the use of a design choice to teach the particularized reporting for various users. However, the Examiner is not relying on a

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design choice to teach particularized reporting, per se, since the particularized reporting (i.e., for a distributor) is already taught by Shavit et al. Instead, the Examiner **only** uses a design choice to teach that it would have been obvious to particularize the reporting for **also** a store or a supplier. The applicant has not properly contested the use of a design choice for this specific limitation, therefore, the rejection has been maintained.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (703) 308-8351. The examiner can normally be reached on Monday-Friday, 8am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (703) 308-5183. The receptionist's phone number for the Technology center is (703) 308-1113.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

F. Zeender  
Primary Examiner, A.U. 3627  
August 25, 2004

A handwritten signature in black ink, appearing to read 'F. Zeender', followed by the date '8/25/04' written vertically.

**F. RYAN ZEENDER  
PRIMARY EXAMINER**